

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

THE UNITED STATES OF AMERICA, <i>et al.</i>)	
)	
Plaintiff,)	
v.)	
)	
THE COMMONWEALTH OF)	
MASSACHUSETTS, <i>et al.</i>)	Civil Action No. 05-10112 JLT
)	
Defendants.)	
)	
)	

**UNOPPOSED MOTION FOR LEAVE TO FILE SURREPLY AND REPLY
MEMORANDA**

Pursuant to Local Rule 7.1(B)(3), Intervenor-Defendant The Coalition for Buzzards Bay (“The Coalition”) files this unopposed motion for leave to file the attached surreply memorandum regarding the motions for judgment on the pleadings on the plaintiffs’ preemption claims and reply memorandum regarding Plaintiff United States’ motion for summary judgment and the defendants’ cross-motion for summary judgment on the defendants’ counterclaims.

As grounds for their Motion for Leave to File, The Coalition asserts that both the preemption claims in the plaintiffs’ complaints and the claims in the defendants’ counterclaims raise numerous complex legal issues of public importance. The attached memoranda will assist this Court in its consideration and resolution of these complex legal issues. Counsel for The Coalition have consulted with counsel for the federal plaintiff and defendants-in-counterclaim, Department of Justice Civil Division Attorney Steven Y. Bressler, Esq., and with counsel for the Intervenor-Plaintiffs, C. Jonathan Benner, Esq. Both have stated that they do not oppose the filing of these memoranda by The Coalition.

For the foregoing reasons, The Coalition respectfully request that the Court allow their Unopposed Motion for Leave to File Surreply and Reply Memoranda.

THE COALITION FOR BUZZARDS BAY,

By its attorneys,

/s/ Jonathan M. Ettinger
Jonathan M. Ettinger (BBO #552136)
Elisabeth M. DeLisle (BBO # 658067)
Foley Hoag LLP
Seaport World Trade Center West
155 Seaport Boulevard
Boston, MA 02210
(617) 832-1000
jettinger@foleyhoag.com

Dated: August 26, 2005